

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Craig Anderson	Team: Squad #7	CCRB Case #: 201405748	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Wednesday, 06/04/2014 11:00 PM	Location of Incident: East 149th Street and Jackson Avenue	Precinct: 40	18 Mo. SOL 12/4/2015	EO SOL 12/4/2015	
Date/Time CV Reported Fri, 06/06/2014 1:50 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 06/06/2014 1:50 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Michael Ashford	4887	954506	PBBX
2. Officers			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Lucas Alves	8937	954480	PBBX
2. POM Michael Nesto	03785	954173	PBBX
3. SGT Kelvin Glover	871	928384	DC IT
4. POF Melissa Castillo	12869	954615	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Michael Ashford	Force: PO Michael Ashford used pepper spray against § 87(2)(b)	
B.POM Michael Ashford	Force: PO Michael Ashford used physical force against § 87(2)(b)	
C. Officers	Discourtesy: Officers spoke discourteously to § 87(2)(b)	

Case Summary

On June 4, 2014 at approximately 11 p.m., § 87(2)(b) got into a physical altercation with § 87(2)(b) at East 149th Street and Jackson Avenue in the Bronx. A large number of other individuals were in a crowd surrounding them. PO Michael Ashford and PO Lucas Alves approached the group, and PO Ashford used pepper spray against § 87(2)(b) (**Allegation A**). PO Ashford forcefully threw her on the ground (**Allegation B**) and handcuffed her. Numerous officers responded to the scene. § 87(2)(b) was handcuffed and put into a police vehicle. During the drive to the 40th Precinct stationhouse, two officers told her to “shut the fuck up” (**Allegation C**). A juvenile report was prepared (encl. 23A-D). § 87(2)(b) experienced pain from the pepper spray for several days after the incident.

Mediation, Civil, and Criminal Histories

Neither § 87(2)(b) nor her parents have filed a Notice of Claim regarding this incident as of October 17, 2014 (encl. 39H). This case was ineligible for mediation due to § 87(2)(b) injury from the pepper spray. § 87(2)(b) is a juvenile.

Civilian and Officer CCRB Histories

- § 87(2)(b)
- § 87(2)(b)
- § 87(2)(b)
- PO Ashford has been a member of service for one year. This is the first CCRB complaint against him (encl. 2A).

Findings and Recommendations

Explanation of Subject Officer Identification

§ 87(2)(b) could not see which officer threw her on the ground and handcuffed her due to the effect of pepper spray on her eyes. PO Ashford and PO Alves could not remember which of them handcuffed § 87(2)(b). However, witness § 87(2)(b) (no relation) said that the officer who handcuffed § 87(2)(b) was the same officer who used pepper spray. § 87(2)(g)

Allegation A – PO Michael Ashford used pepper spray against § 87(2)(b)

§ 87(2)(b) stated that she was walking with one friend when a large group of individuals surrounded her and initiated a fight, despite her trying to verbally defuse the situation (encl. 13B). Witness § 87(2)(b) affirmed that a large group surrounded her, and that § 87(2)(b) seemed to be a victim of the larger group’s aggression (encl. 11A-C). § 87(2)(b) stated that several young women were hitting § 87(2)(b) and that she hit back in self-defense. § 87(2)(b) said she swung at another girl, but did not think she hit her. § 87(2)(b) said that she asked an officer for help. She also acknowledged hearing an officer say “stop” and “get on the ground.” § 87(2)(b) did not think any officer gave commands before using pepper spray.

PO Ashford and PO Alves stated that they initially approached the group when they were verbally arguing and asked them to keep moving and clear the sidewalk (encl. 18C, 21C). The

group ignored them, and the argument spilled into the street. The officers were surrounded by the group, and no other officers were present at that time. § 87(2)(b) and § 87(2)(b) started hitting each other, and PO Ashford told them to stop fighting and that they were under arrest several times before spraying pepper spray one time, which was directed at both of them. The fighting ceased after PO Ashford used the pepper spray.

There are five circumstances under which officers can use pepper spray, two of which are applicable to this case: (i) to protect oneself or another from unlawful use of force or (ii) to effect an arrest or control someone resisting arrest. Patrol Guide, Section 212-95 (encl. 1A-D).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

§ 87(2)(g)
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Allegation B – PO Michael Ashford used physical force against § 87(2)(b)
§ 87(2)(b) stated that, after she was pepper-sprayed, an officer she could not see forcefully slammed her to the ground. § 87(2)(b) stated that PO Ashford was physically aggressive when handcuffing § 87(2)(b). She thought he might have thrown her to the ground, but was not certain.

PO Ashford and PO Alves stated that § 87(2)(b) was handcuffed standing up, and denied throwing her to the ground at any time. Sgt. Kelvin Glover stated that by the time he arrived, § 87(2)(b) and § 87(2)(b) were both already handcuffed and in custody (encl. 25C).

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation C – An officer spoke discourteously to § 87(2)(b)
§ 87(2)(b) stated that she was driven to the stationhouse in a marked car driven by a light-skinned man with short blonde hair and hazel eyes and containing a light-skinned man, a very large black man, and a dark-skinned man, none of whom she could describe further. During the drive, the two light-skinned men told her to “shut the fuck up.” § 87(2)(b) was unsure which car § 87(2)(b) was put in.

PO Ashford and PO Alves were initially on foot posts and rode back to the stationhouse with officers they could not remember. PO Alves acknowledged that either § 87(2)(b) or § 87(2)(b) was in the car with him, but he could not remember which one. He denied saying “shut the fuck up” or hearing another officer do so. PO Ashford was in a separate car, and did not think either defendant was transported in that car. Sgt. Glover stated that he was in a van and did not transport either individual because he stayed at the scene to disperse the crowd. Sgt. Glover’s operator, PO Michael Nesto, confirmed that they were in a van, but denied any memory of this incident (encl. 30C). PO Ashford said Sgt. Lawrence Granshaw responded to the scene, but he and his operators do not match the descriptions given by § 87(2)(b) and were not interviewed (see encl. 38K for details).

An event summary was not generated for this incident (encl. 37B-C), and the command log did not note who transported § 87(2)(b) (encl. 36A-B); § 87(2)(g)

§ 87(2)(b)

§ 87(2)(g)

Pod: 7

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date